

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MARCI MARIE WEBBER,)
)
Plaintiff,) No. 1:20-cv-07807
)
v.) The Hon. Charles R. Norgle, Sr.
)
STATE OF ILLINOIS, et al.,)
)
Defendants.)

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL AND
FOR EXTENSION OF TIME TO FILE SECOND AMENDED COMPLAINT**

Brian R. Michalek and Thomas A. Laser, of the law firm Saul Ewing Arnstein & Lehr LLP, current Court-appointed counsel for Plaintiff, Marci Marie Webber (“Ms. Webber”), pursuant to Local Rule 83.17, move for leave to withdraw their appearances as counsel in this matter and for an extension of time for Ms. Webber to file her second amended complaint, and state as follows:

1. On August 26, 2021, this Court appointed Mr. Michalek as counsel for Ms. Webber pursuant to Local Rules 83.11(h) and 83.37. (Dkt. #30).
2. On September 30, 2021, Mr. Michalek and his associate, Thomas A. Laser, filed their appearances on behalf of Ms. Webber. (Dkt. ##31, 32).
3. Mr. Michalek and Mr. Laser have served as counsel for Ms. Webber in this matter since that time.
4. Over the course of their representation of Ms. Webber in this matter, Mr. Michalek and Mr. Laser have consulted with Ms. Webber regarding the facts of her case, researched the viability of Ms. Webber’s potential claims, drafted and filed an amended complaint (Dkt. #42), and conducted a variety of other tasks in furtherance of their representation of Ms. Webber.

5. At this time, Mr. Michalek and Mr. Laser believe that they have reached an impasse in their representation of Ms. Webber, and respectfully seek leave of Court to withdraw their appearances in this matter.

6. Specifically, Mr. Michalek and Mr. Laser have received numerous voice messages from Ms. Webber insisting on courses of action that Mr. Michalek and Mr. Laser do not believe have a basis in law or fact.

7. Mr. Michalek and Mr. Laser have provided written notice of the unviability of these claims to Ms. Webber, but she continues to insist.

8. Additionally, Ms. Webber's voice messages have become increasingly antagonistic toward Mr. Michalek and Mr. Laser.

9. Local Rule 83.38 of the U.S. District Court for the Northern District of Illinois – Eastern Division requires that an appointed attorney promptly move to withdraw where either:

(3) Some personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the party. [or]

...

(5) In counsel's opinion, the party is proceeding for purpose of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law.

10. Mr. Michalek and Mr. Laser believe that such circumstances are present here and that they can no longer continue with their representation of Ms. Webber.

11. Local Rule 83.17 provides that:

An attorney who has filed an appearance form pursuant to LR 83.16 is the attorney of record for the party represented for all purposes incident to the proceeding in which the appearance was filed. The attorney of record may not withdraw, nor may any other attorney file an appearance on behalf of the same party or as a substitute for the attorney of record, without first obtaining leave of court, except that substitutions or additions may be made without motion where both counsel are of the same firm. Where the appearance indicates that pursuant to these rules a member of the trial bar is acting as a supervisor or is accompanying a member of the general bar, the trial bar member included in the

appearance may not withdraw, nor may another member be added or substituted, without first obtaining leave of court. Where an attorney withdraws from representing a party in a case and no other attorney has an active appearance on the docket for that party, the form Notification of Party Contact Information must be electronically filed as an attachment to the motion to withdraw.

12. Mr. Michalek and Mr. Laser have sent written notice on their intent to withdraw to Ms. Webber, and she has confirmed receipt of same by voice message and electronic mail.

13. A copy of this Court's Notification of Party Contact Information Form (per Local Rule 83.17) is attached hereto as **Exhibit A** setting forth Ms. Webber's contact information to the best of Mr. Michalek and Mr. Laser's knowledge and belief.

14. The Court recently granted Ms. Webber until and including July 19, 2022 to file a second amended complaint in this matter. (Dkt. #57).

15. Because Ms. Webber will need time to appear and/or obtain new counsel, Saul Ewing Arnstein & Lehr LLP requests that Ms. Webber have 21 days to appear through new counsel or choose self-representment, and that the July 19, 2022 pleading deadline be stayed and/or entered and continued pending Ms. Webber's representation.

16. Thomas A. Laser contacted counsel for Defendants on July 11, 2022, and counsel does not object to the request for extension.

WHEREFORE, Brian R. Michalek and Thomas A. Laser of Saul Ewing Arnstein & Lehr LLP, request leave to withdraw as counsel for Plaintiff, Marci Marie Webber, and for an extension of time for Ms. Webber to file her second amended complaint.

Respectfully submitted,

Marci Marie Webber,

/s/ Brian R. Michalek

Brian R. Michalek

One of Her Attorneys

Brian R. Michalek

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Thomas A. Laser

Tom.Laser@saul.com

Saul Ewing Arnstein & Lehr LLP

161 N. Clark St., Ste. 4200

Chicago, Illinois 60601

(312)-876-7100

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was filed through the ECF system which will cause the foregoing document to be served on all counsel of record.

Dated: July 11, 2022

By: */s/ Thomas A. Laser*
Thomas A. Laser

EXHIBIT A

06/12/15

**United States District Court
Northern District of Illinois**

Notification of Party Contact Information

Directions: This form must be attached to a motion to withdraw from a case when no other attorney of record has been noted on the docket. A completed form must be electronically filed as an attachment to the motion to withdraw. The address and telephone number of your client must be completed on this form to enable the Court to contact your client in the future if the motion to withdraw is granted.

Case Number: 20-cv-7807

Case Title: Webber v. Illinois et al.

Judge: Norgle

Name of Attorney submitting the motion to withdraw:

Brian R. Michalek and Thomas A. Laser; Saul Ewing Arnstein & Lehr LLP

Name of Client:

Marci Marie Webber

Mailing address of Client: 4200 N. Oak Park Avenue

City: Chicago

State: Illinois

Zip: 60634

Telephone Number: 773-794-4038

I attest that the above information is true and correct to the best of my knowledge.

Signed: Thomas A. Laser

Date: July 6, 2022